

USSN 09/782,499

Explanation of amendments

Claim 1 was amended to convert this process claim to a product claim in conformance with applicants' election under the restriction requirement in the amendment filed on April 28, 2003. Attached is a copy of the facsimile transmission acknowledgement showing that all eight pages were successfully transmitted including the attached four pages of claim amendments prepared according to the voluntary revised claim format available to applicants since February 2003.

Applicants now further amend claims 1 and 9 to specify that component A does not include the substantially random interpolymers described as optional component C at page 18, lines 9-12, of this application as filed.

Support for the wording of new claim 24 may be found at page 15, lines 18-20.

New claims 25 to 27 merely exclude component C which is optional, which applicants believe in good faith does not add new matter to this application.

Patentability over the cited references

The Examiner rejected the previous set of claims under 35 U.S.C. 102(e) as anticipated by Chaudhary *et al.* '232 (USP 6,187,232) or Chaudhary *et al.* '120 (USP 6,369,120). Applicants believe that the claims as amended fully address the Examiner's concern.

As amended, all the claims clearly require an olefinic component as component A of the macrocellular acoustic foam other than a substantially random interpolymers comprising polymer units derived from one or more α -olefin monomers with one or more vinyl or vinylidene aromatic monomers and/or hindered aliphatic or cycloaliphatic vinyl or vinylidene monomers.

The cited references do not describe foams containing an olefinic component with that limitation. They specify combinations of alkenyl aromatic polymers and substantially random interpolymers of the type excluded from the definition of component A.

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Alkenyl aromatic polymers are, by definition, not "homopolymers of ethylene, one or more C₃-C₂₀ α -olefin polymer, or a combination thereof" as specified component A of claims 1 and 9.

Therefore, the cited references do not anticipate the subject matter of the claims as amended.

Applicants reserve the right to present evidence of earlier invention under 37 CFR 1.131 or 1.132 in a continuation application or in the event that the Examiner does not agree that the claims as amended are novel.

Information Disclosure Statements

On December 11, 2002, Applicants submitted an information disclosure statement with a Form PTO-1449 and the cited references. Applicants have not received the signed and initialed Form PTO-1449 as acknowledgement that those references have been considered and therefore respectfully request the same.

In the event that any minor issues remain, Applicant invites the Examiner to call the undersigned to discuss the same. The undersigned will respond promptly to any further requirements.

Respectfully submitted,

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